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the State of Nebraska is not convinced that the fulfillment of the Constitution was made, that every vote shall be preserved. Every vote was counted. Every vote was attributed where it should have been attributed. That's due process. The matter of the cost of the election, which is what we're talking about due process. The cost of the election, the statutes says - a separate statute, shall be assessed against the contestor should he fail. That Statute stands. Senator Carpenter will pay for this contest, should he lose.

PRESIDENT: Your time is expired Senator. Senator Clark.

SENATOR CLARK: Mr. Speaker, I would move the previous question. I think that we've heard the arguments back and forth.

PRESIDENT: Are there five hands showing? There are five hands. The question is, the previous question, that is the Cavanaugh amendment. We will vote now on whether to vote on the previous amendment -- or the previous question. Record your vote. Well question is shall debate cease. Shall debate cease. Have you voted? Record Mr. Clerk.

CLERK: 13 ayes, 29 nays, 7 not voting.

PRESIDENT: Debate shall continue. Chair recognizes Senator Kelly.

SENATOR KELLY: Mr. President, colleagues, I am involved in this as you are. I've agonized many hours over the decision that I am to make this morning in voting. To be sure that I don't get mixed up, please bear with me as I read to you the way I feel about this question. The question before the Legislature this morning is extremely serious and it goes to the very heart of the constitutional government and that is, should it be ruled by law, or should it be ruled by men. Now the Constitution of the State of Nebraska is the foundation of our government and our rights as citizens. The document directly charges the Legislature to pass the laws that implement the constitutional right for the people of Nebraska. This charge by the Constitution indicates that the Constitution is not self-enabling. It is imperative that the Legislature pass the laws by which these constitutional rights become available to the people. These laws must, in all cases, channel the constitutional rights of the people to justice. The requirement of a petition and a bond do just that. They give definite direction to the challenger and guarantee an orderly process. You have heard, or you will hear continuing reference to the word "jurisdiction". I've been counseled by ten different attorneys on this question of jurisdiction in the case before the Legislature. It is extremely difficult for attorneys to explain it to a lay person. It is a word that has meanings beyond meanings and understandings only to the legally trained. The one statement that was meaningful to me is that jurisdiction is vital in all questions of law. The intent and the use of the word "vital" is that should any legal step be avoided, as in the case before the Legislature, the whole process of justice is destroyed. Now to illustrate how I understand the use of jurisdiction I would refer to this example. A citizen standing on his constitutional rights, in order to receive justice, must use a ladder. Placing it on the constitutional rights as he would a floor, the various statutory requirements to reach the court or to reach a hearing